

**DEC 12 2005**

**CATHY A. CATTERSON, CLERK**  
**U.S. COURT OF APPEALS**

**NOT FOR PUBLICATION**

**UNITED STATES COURT OF APPEALS**

**FOR THE NINTH CIRCUIT**

LEROY EDWARD BOYLE,

Plaintiff - Appellant,

v.

UNITED STATES DEPARTMENT OF  
JUSTICE; et al.,

Defendants - Appellees.

No. 04-17197

D.C. No. CV-03-00078-PHX-ROS

MEMORANDUM<sup>\*</sup>

Appeal from the United States District Court  
for the District of Arizona  
Roslyn O. Silver, District Judge, Presiding

Submitted December 5, 2005<sup>\*\*</sup>

Before: GOODWIN, W. FLETCHER, and FISHER, Circuit Judges.

Leroy Edward Boyle appeals pro se the district court's judgment dismissing without prejudice his action against the United States Departure of Justice and

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<sup>\*</sup> This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

<sup>\*\*</sup> The panel unanimously finds this case suitable for decision without oral argument, and denies Boyle's motion for oral argument. *See* Fed. R. App. P. 34(a)(2).

“unknown federal agents” alleging violations of his First Amendment rights. We have jurisdiction pursuant to 28 U.S.C. § 1291. We review de novo, *Orsay v. Dep’t of Justice*, 289 F.3d 1125, 1128 (9th Cir. 2002), and we affirm.

The district court properly dismissed Boyle’s complaint because even accepting all Boyle’s allegations as true, including his allegations that unknown federal agents assaulted him by electronic means or devices, Boyle’s complaint fails to state a legally cognizable claim upon which relief may be granted. *See Balistreri v. Pacifica Police Dep’t*, 901 F.2d 696, 699 (9th Cir. 1988).

**AFFIRMED.**